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JUVENILE RECORDS
ADVISORY COMMITTEE

LEGISLATIVE REPORT

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JUVENILE RECORDS
ADVISORY COMMITTEE

H.B. 431

JUVENILE RECORDS ADVISORY COMMITTEE

CHAPTER 58, Texas Family Code

Supplemental Report:

85th Session Juvenile Records

Legislative Proposals and Commentary

December, 2016

*This supplemental report contains the legislative proposals and
Explanatory commentary on juvenile records statutes and related laws in Texas.*



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EXECUTIVE SUMMARY



The juvenile justice system in Texas is regulated by an array of statutory laws that mutually reinforce the concept that juvenile cases are different. Unlike adult offenders, youth in the juvenile justice system have an expectation that they will participate in rehabilitative programs and services and remain free of the taint of criminality³. Despite the confidentiality protections afforded under state law, juvenile offenders are nevertheless haunted by the long-term unintended consequences of delinquency history. In

particular, youth have described the negative collateral impact on the pursuit of higher education, suitable housing and employment. Similarly, stakeholders must navigate federal and state confidentiality regulations in order to legitimately share essential information to meet important public safety objectives and provide services to improve rehabilitative outcomes for youth. While existing laws address many of these obstacles, technological advancements and the expanded number of persons and entities with access to juvenile records have diminished the assurance of confidentiality and increased the long-term consequences of delinquency history. In recognition of these systemic challenges, the Texas Legislature enacted House Bill 431, 84th R.S. (2015), which established the Juvenile Records Advisory Committee. The legislation directed the committee, comprising a cross-section of juvenile justice system practitioners, to conduct a comprehensive reassessment of Chapter 58 of the Texas Family Code and related laws.

The assumption that guided the committee's work was that the current statutory framework for juvenile records has not kept pace with the systemic and technological changes that have occurred since the last major rewrite of the Juvenile Justice Code in 1995⁴. The workgroup was tasked, therefore, with identifying the statutory provisions in Chapter 58 that have been rendered outdated or inapplicable. The advisory committee's extensive review of national trends and state practices revealed areas for improvement and confirmed that many of the statutory provisions identified in the original legislation remain relevant.

Based on its assessment of juvenile records statutes, the committee concluded that:

1. a general reorganization of Chapter 58 and related laws is necessary to establish a logical and coherent flow of statutory provisions;
2. it is in the state's interest to retain legally viable provisions to ensure stability and continuity of statewide procedures and practices;
3. selected juvenile statutes in other codes should be transferred to Chapter 58; and
4. further investigation and research is needed to address matters of legal, technological, or administrative importance.

³ Tex. Family Code, §51.01 (1995). The removal of the taint of criminality is cited in the Family Code as a central public purpose of the juvenile justice system.

⁴ H.B.327, 724th Legis. Sess. (1995).

On November 1, 2016, the Juvenile Records Advisory Committee published The *H.B. 431 Report and Reorganization Plan* to present the workgroup's findings, recommendations and plan to accommodate the ever-evolving need of the Texas juvenile justice system to properly manage and share juvenile records. This *Supplemental Report* contains the legislative proposals and explanatory commentary on amendments to Chapter 58 of the Family Code and related laws.



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PROPOSED LEGISLATION & COMMENTARY

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1 A BILL TO BE ENTITLED

2 AN ACT

3 relating to confidentiality, sharing, sealing, and destruction of juvenile records.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. The heading of Chapter 58, Subchapter A, Family Code, is amended to read as
6 follows:

7 SUBCHAPTER A. CREATION AND CONFIDENTIALITY OF JUVENILE RECORDS

8 SECTION 2. The heading of Section 58.001, Family Code, is amended to read as follows:

9 Sec. 58.001. LAW ENFORCEMENT COLLECTION AND TRANSMITTAL OF RECORDS OF
10 CHILDREN.

11 SECTION 3. Sections 58.002(b) and (c), Family Code, are amended to read as follows:

12 (b) On or before December 31 of each year, the head of each municipal or county law
13 enforcement agency located in a county shall certify to the juvenile board for that county that the
14 photographs and fingerprints required to be destroyed under Section 58.001 have been destroyed.
15 The juvenile board may ~~shall~~ conduct or cause to be conducted an audit of the records of the law
16 enforcement agency to verify the destruction of the photographs and fingerprints and the law
17 enforcement agency shall make its records available for this purpose. If the audit shows that the
18 certification provided by the head of the law enforcement agency is false, that person is subject to
19 prosecution for perjury under Chapter 37, Penal Code.

20 (c) This section does not prohibit a law enforcement officer from photographing or
21 fingerprinting a child who is not in custody or who has not been referred to the juvenile court for
22 conduct that constitutes a felony or misdemeanor punishable by confinement in jail ~~if the child's~~
23 parent or guardian voluntarily consents in writing to the photographing or fingerprinting of the child.

24 SECTION 4. Section 58.0021, Family Code, is amended by adding Subsection (d-1) to read as
25 follows:

26 (d-1) A law enforcement officer may obtain a photograph of a child from a juvenile probation
27 department in possession of a photograph of the child without taking the child into temporary
28 custody if the criteria in subsections (b)(1) and (2) are met.

29 SECTION 5. Sections 58.004(a) and (b), Family Code, are amended to read as follows:

30 (a) Notwithstanding any other law, before disclosing any juvenile court record~~or file~~ of a
31 child as authorized by this chapter or other law, the custodian of the record~~or file~~ must redact any
32 personally identifiable information about a victim of the child's delinquent conduct or conduct
33 indicating a need for supervision who was under 18 years of age on the date the conduct occurred.

1 (b) This section does not apply to information that is:

2 (1) necessary for an agency to provide services to the victim;

3 (2) necessary for law enforcement purposes;

4 (3) shared within the statewide juvenile information and case management system
5 established under Subchapter E;

6 (4) shared with an attorney representing the child in a proceeding under this title; or

7 (5) shared with an attorney representing any other person in a juvenile or criminal
8 proceeding arising from the same act or conduct for which the child was referred to juvenile court.

9 SECTION 6. The heading of Section 58.005, Family Code, is amended to read as follows:

10 Sec. 58.005. CONFIDENTIALITY OF FACILITY RECORDS.

11 SECTION 7. Sections 58.005, Family Code is amended by amending Subsections (a) and (b)
12 and adding subsection (a-1) to read as follows:

13 (a) This section applies only to records and information,~~[Records and files]~~ concerning a child,
14 including but not limited to personally identifiable information~~;~~ and information obtained for the
15 purpose of diagnosis, examination, evaluation, or treatment of the child or for making a referral for
16 treatment of the~~[a]~~ child, that are created by or are in the possession of:

17 (1) the Texas Juvenile Justice Department or an entity having custody of a child under
18 contract with the Texas Juvenile Justice Department; or

19 (2) another~~[by a]~~ public or private agency or institution~~[providing supervision of a~~
20 ~~child by arrangement of the juvenile court or]~~ having custody of the child under order of the juvenile
21 court, including a facility operated by or under contract with a juvenile board or juvenile probation
22 department.

23 (a-1) Except as provided by Article 15.27, Code of Criminal Procedure, the records and
24 information to which this section applies may be disclosed only to:

25 (1) the professional staff or consultants of the agency or institution;

26 (2) the judge, probation officers, and professional staff or consultants of the juvenile
27 court;

28 (3) an attorney for the child;

29 (4) a governmental agency if the disclosure is required or authorized by law;

30 (5) a person or entity to whom the child is referred for treatment or services if the
31 agency or institution disclosing the information has entered into a written confidentiality agreement
32 with the person or entity regarding the protection of the disclosed information;

1 (6) the Texas Department of Criminal Justice and the Texas Juvenile Justice
2 Department for the purpose of maintaining statistical records of recidivism and for diagnosis and
3 classification; or

4 (7) with permission from~~leave of~~ the juvenile court, any other person, agency, or
5 institution having a legitimate interest in the proceeding or in the work of the court.

6 (b) This section applies only to the inspection, copying, and maintenance of a record
7 concerning a child and the storage of information from which a record could be generated and does
8 not ~~[apply to information collected under Section 58.104 or under]~~ affect the collection, dissemination,
9 or maintenance of information as provided by Subchapter B or Subchapter D-1.

10 SECTION 8. Section 58.0052(b), Family Code, is amended to read as follows:

11 (b) Subject to subsection (c), at~~At~~ the request of a juvenile service provider, another juvenile
12 service provider shall disclose to that provider a multi-system youth's personal health information or a
13 history of governmental services provided to the multi-system youth, including but not limited to:

- 14 (1) identity records;
- 15 (2) medical and dental records;
- 16 (3) assessment or diagnostic test results;
- 17 (4) special needs;
- 18 (5) program placements; and
- 19 (6) psychological diagnoses.

20 SECTION 9. The heading of Section 58.007, Family Code, is amended to read as follows:

21 Sec. 58.007. CONFIDENTIALITY OF PROBATION DEPARTMENT, PROSECUTOR, AND
22 COURT~~[PHYSICAL]~~ RECORDS~~[OR FILES]~~.

23 SECTION 10. Section 58.007, Family Code, is amended by adding subsection (b-1) and
24 amending subsections (a), (b), (g), and (i) to read as follows:

25 (a) This section applies only to the inspection, copying, and maintenance of a ~~a~~physical
26 ~~record~~record~~[or file]~~ concerning a child and the storage of information concerning the child from which a
27 record could be generated and does not affect the collection, dissemination, or maintenance of
28 information as provided by Subchapter B or Subchapter D-1. This section does not apply to a
29 ~~record~~record~~[or file]~~ relating to a child that is:

- 30 (1) required or authorized to be maintained under the laws regulating the operation
31 of motor vehicles in this state;
- 32 (2) maintained by a municipal or justice court; or
- 33 (3) subject to disclosure under Chapter 62, Code of Criminal Procedure.

(b) Except as provided by Section 54.051(d-1) and by Article 15.27, Code of Criminal Procedure, the records, whether physical or electronic,~~[and files]~~ of a juvenile court, a clerk of court, a juvenile probation department, or a prosecuting attorney relating to a child who is a party to a proceeding under this title may be inspected or copied only by:

(1) the judge, probation officers, and professional staff or consultants of the juvenile court;

(2) a juvenile justice agency as that term is defined by Section 58.101;

(3) an attorney representing~~[for]~~ a party in a~~[to the]~~ proceeding under this title;

(4) a person or entity to whom the child is referred for treatment or services, if the agency or institution disclosing the information has entered into a written confidentiality agreement with the person or entity regarding the protection of the disclosed information;

(5) a public or private agency or institution providing supervision of the child by arrangement of the juvenile court,~~]~~ or having custody of the child under juvenile court order; or

~~(6[5])~~ with permission from~~[leave of]~~ the juvenile court, any other person, agency, or institution having a legitimate interest in the proceeding or in the work of the court.

(b-1) A person who is the subject of the records is entitled to access to the records for the purpose of preparing and presenting a motion or application to seal the records.

(g) For the purpose of offering a record as evidence in the punishment phase of a criminal proceeding, a prosecuting attorney may obtain the record of a defendant's adjudication that is admissible under Section 3(a), Article 37.07, Code of Criminal Procedure, by submitting a request for the record to the juvenile court that made the adjudication. If a court receives a request from a prosecuting attorney under this subsection, the court shall, if the court possesses the requested record of adjudication, certify and provide the prosecuting attorney with a copy of the record. If a record has been sealed as provided by Subchapter C, the juvenile court may not provide a copy of the record under this subsection.

(i) In addition to the authority to release information under Subsection (b)~~(Z[5])~~, a juvenile probation department may release information contained in its records without leave of the juvenile court pursuant to guidelines adopted by the juvenile board.

SECTION 11. Subchapter A, Chapter 58, Family Code, is amended by adding Section 58.008 to read as follows:

Sec. 58.008. CONFIDENTIALITY OF LAW ENFORCEMENT RECORDS. (a) This section applies only to the inspection, copying, and maintenance of a record concerning a child and the storage of information, by electronic means or otherwise, concerning the child from which a record could be

1 generated and does not affect the collection, dissemination, or maintenance of information as
2 provided by Subchapter B. This section does not apply to a record or file relating to a child that is:

3 (1) required or authorized to be maintained under the laws regulating the operation
4 of motor vehicles in this state;

5 (2) maintained by a municipal or justice court; or

6 (3) subject to disclosure under Chapter 62, Code of Criminal Procedure.

7 (b) Except as provided by Subsection (d), law enforcement records concerning a child and
8 information stored, by electronic means or otherwise, concerning the child from which a record could
9 be generated may not be disclosed to the public and shall be:

10 (1) if maintained on paper or microfilm, kept separate from adult records;

11 (2) if maintained electronically in the same computer system as records relating to
12 adults, be accessible under controls that are separate and distinct from controls to access electronic
13 data concerning adults; and

14 (3) maintained on a local basis only and not sent to a central state or federal
15 depository, except as provided by subsection (c) and Subchapters B, D, and E.

16 (c) The law enforcement records of a person with a determinate sentence who is transferred
17 to the Texas Department of Criminal Justice may be transferred to a central state or federal depository
18 for adult records on or after the date of transfer and shared in accordance with the laws governing the
19 adult records in the depository or depositories to which the records are transferred.

20 (d) Law enforcement records concerning a child may be inspected or copied by a juvenile
21 justice agency as that term is defined by Section 58.101, a criminal justice agency as that term is
22 defined by Section 411.082, Government Code, the child, and the child's parent or guardian.

23 (e) Before a child or a child's parent or guardian may inspect or copy a record concerning the
24 child under Subsection (e), the custodian of the record shall redact:

25 (1) any personally identifiable information about a juvenile suspect, offender, victim,
26 or witness who is not the child; and

27 (2) any information that is excepted from required disclosure under Chapter 552,
28 Government Code, or other law.

29 (f) If a child has been reported missing by a parent, guardian, or conservator of that child,
30 information about the child may be forwarded to and disseminated by the Texas Crime Information
31 Center and the National Crime Information Center.

32 SECTION 12. Section 58.0072, Family Code, is renumbered to Section 58.009, Family Code, and
33 amended to read as follows:

1 Sec. 58.009. DISSEMINATION OF JUVENILE JUSTICE INFORMATION BY THE TEXAS JUVENILE
2 JUSTICE DEPARTMENT. (a) Except as provided by this section, juvenile justice information collected
3 and maintained by the Texas Juvenile Justice Department for statistical and research purposes is
4 confidential information for the use of the department and may not be disseminated by the
5 department.

6 (b) Juvenile justice information consists of information of the type described by Section
7 58.104, including statistical data in any form or medium collected, maintained, or submitted to the
8 Texas Juvenile Justice Department under Section 221.007, Human Resources Code.

9 (c) The Texas Juvenile Justice Department may grant the following entities access to juvenile
10 justice information for research and statistical purposes or for any other purpose approved by the
11 department:

- 12 (1) criminal justice agencies as defined by Section 411.082, Government Code;
- 13 (2) the Texas Education Agency, as authorized under Section 37.084, Education Code;
- 14 (3) any agency under the authority of the Health and Human Services Commission; or
- 15 (4) a public or private university.

16 (d) The Texas Juvenile Justice Department may grant the following entities access to juvenile
17 justice information only for a purpose beneficial to and approved by the department to:

- 18 (1) a person working on a research or statistical project that:

19 (A) is funded in whole or in part by state or federal funds; and

20 (B) meets the requirements of and is approved by the department; or

21 (2) an[~~a governmental~~] individual or entity working on a research or statistical project
22 that meets the requirements of and is approved by the department if the individual or entity [that] has
23 a specific agreement with the department ~~that~~[, if the agreement]:

24 (A) specifically authorizes access to information;

25 (B) limits the use of information to the purposes for which the information is
26 given;

27 (C) ensures the security and confidentiality of the information; and

28 (D) provides for sanctions if a requirement imposed under Paragraph (A), (B),
29 or (C) is violated.

30 (e) The Texas Juvenile Justice Department shall grant access to juvenile justice information for
31 legislative purposes under Section 552.008, Government Code.

1 (f) The Texas Juvenile Justice Department may not release juvenile justice information in
2 identifiable form except for information released under Subsection (c)(1), (2), or (3) or under the terms
3 of an agreement entered into under Subsection (d)(2).

4 (g) Except as provided by Subsection (e), the~~The~~ Texas Juvenile Justice Department is
5 permitted but not required to release or disclose juvenile justice information to any person~~not~~
6 identified under this section.

7 SECTION 13. Section 58.102(c), Family Code, is amended to read as follows:

8 (c) The department may not collect,~~or~~ retain,or share information relating to a juvenile
9 except as provided by~~if~~ this chapter~~prohibits or restricts the collection or retention of the~~
10 ~~information~~].

11 SECTION 14. Sections 58.104(a) and (b) are amended to read as follows:

12 (a) Subject to Subsection (f), the juvenile justice information system shall consist of
13 information relating to delinquent conduct committed or alleged to have been committed by a
14 juvenile offender that, if the conduct had been committed by an adult, would constitute a criminal
15 offense other than an offense punishable by a fine only, including information relating to:

16 (1) the juvenile offender;

17 (2) the intake or referral of the juvenile offender into the juvenile justice system;

18 (3) the detention of the juvenile offender;

19 (4) the prosecution of the juvenile offender;

20 (5) the disposition of the juvenile offender's case, including the name and description of
21 any program to which the juvenile offender is referred;~~and~~

22 (6) the probation or commitment of the juvenile offender;and

23 (7) the closure of supervision or discharge from commitment.

24 (b) To the extent possible and subject to Subsection (a), the department shall include in the
25 juvenile justice information system the following information for each juvenile offender taken into
26 custody, detained, or referred under this title for delinquent conduct:

27 (1) the juvenile offender's name, including other names by which the juvenile offender
28 is known;

29 (2) the juvenile offender's date and place of birth;

30 (3) the juvenile offender's physical description, including sex, weight, height, race,
31 ethnicity, eye color, hair color, scars, marks, and tattoos;

- 1 (4) the juvenile offender's state identification number, and other identifying
2 information, as determined by the department;
- 3 (5) the juvenile offender's fingerprints;
- 4 (6) the juvenile offender's last known residential address, including the census tract
5 number designation for the address;
- 6 (7) the name and identifying number of the agency that took into custody or detained
7 the juvenile offender;
- 8 (8) the date of detention or custody;
- 9 (9) the conduct for which the juvenile offender was taken into custody, detained, or
10 referred, including level and degree of the alleged offense;
- 11 (10) the name and identifying number of the juvenile intake agency or juvenile
12 probation office;
- 13 (11) each disposition by the juvenile intake agency or juvenile probation office;
- 14 (12) the date of disposition by the juvenile intake agency or juvenile probation office;
- 15 (13) the name and identifying number of the prosecutor's office;
- 16 (14) each disposition by the prosecutor;
- 17 (15) the date of disposition by the prosecutor;
- 18 (16) the name and identifying number of the court;
- 19 (17) each disposition by the court, including information concerning probation or
20 custody of a juvenile offender by a juvenile justice agency~~[or probation]~~;
- 21 (18) the date of disposition by the court;
- 22 (19) the date any probation supervision, including deferred prosecution supervision,
23 was closed;
- 24 (20) any commitment or release under supervision by the Texas Juvenile Justice
25 Department;
- 26 (21~~[20]~~) the date of any commitment or release under supervision by the Texas Juvenile
27 Justice Department; and
- 28 (22~~[21]~~) a description of each appellate proceeding.

29 SECTION 15. Sections 58.106 (a-2) and (b), Family Code, are amended to read as follows:

30 (a-2) Information disseminated under Subsection (a)~~[or (a-1)]~~ remains confidential after
31 dissemination and may be disclosed by the recipient only as provided by this title.

(b) ~~Subsection~~Subsections (a)~~and (a-1)~~ ~~does~~do not apply to a document maintained by a juvenile justice or law enforcement agency that is the source of information collected by the department.

SECTION 16. The heading of Chapter 58, Subchapter C, Family Code, is amended to read as follows:

SUBCHAPTER C. SEALING AND DESTRUCTION OF JUVENILE RECORDS~~[AUTOMATIC RESTRICTION OF ACCESS TO RECORDS]~~

SECTION 17. The heading of Section 58.201, Family Code, is amended to read as follows:

Sec. 58.201. DEFINITIONS~~[DEFINITION:]~~

SECTION 18. Section 58.201, Family Code, is amended to read as follows:

In this subchapter:

(1) "Electronic records" means entries in a computer file or information on microfilm, microfiche, or any other electronic storage media.

(2) "Juvenile matter" or "matter" means a referral to a juvenile probation department and all court proceedings and outcomes, if any, related to that referral.

(3) "Physical records" means paper copies of records.

(4) "Record" or "records" means any documentation related to a juvenile matter, including the information contained in that documentation~~[In this subchapter, "department" means the Department of Public Safety of the State of Texas].~~

SECTION 19. Section 58.202, Family Code, is amended to read as follows:

The following records are exempt from this subchapter:

(1) sex offender registration records maintained by the Texas Department of Public Safety~~[department]~~ or a local law enforcement agency under Chapter 62, Code of Criminal Procedure; ~~and~~

(2) records relating to a criminal combination or criminal street gang maintained by the Texas Department of Public Safety~~[department]~~ or a local law enforcement agency under Chapter 61, Code of Criminal Procedure; and

(3) data collected or maintained by the Texas Juvenile Justice Department for statistical and research purposes, including data submitted under Section 221.007, Human Resources Code, including personally identifiable information.

SECTION 20. The heading of Section 58.203, Family Code, is amended to read as follows:

Sec. 58.203. ELIGIBILITY FOR SEALING WITHOUT APPLICATION IF REFERRED FOR DELINQUENT CONDUCT~~[CERTIFICATION:]~~

1 SECTION 21. Section 58.203, Family Code, is amended to read as follows:

2 (a) A person who was referred to a juvenile probation department for delinquent conduct is
3 entitled to have all records related to all matters, including conduct indicating a need for supervision
4 matters, sealed without the person making application to the juvenile court if the person is at least 19
5 years of age and the person:

6 (1) was never adjudicated for delinquent conduct or, if adjudicated for delinquent
7 conduct, was never adjudicated for felony-level delinquent conduct;

8 (2) has no delinquent conduct matters pending;

9 (3) was not transferred by a juvenile court to a criminal court for prosecution under
10 Section 54.02;

11 (4) has not been convicted of a jailable misdemeanor or felony offense as an adult;
12 and

13 (5) has no pending charges as an adult for a jailable misdemeanor or felony offense.

14 (b) A person who was referred to a juvenile probation department for delinquent conduct is
15 entitled to have all records related to all matters, including conduct indicating a need for supervision
16 matters, sealed without the person making application to the juvenile court if the person is at least 25
17 years of age and the person:

18 (1) was adjudicated for felony-level delinquent conduct;

19 (2) did not receive a determinate sentence for engaging in delinquent conduct that
20 violated a penal law listed in Section 53.045 or engaging in habitual felony conduct as
21 described in Section 51.031;

22 (3) was never required to register as a sex offender under Article 62, Code of Criminal
23 Procedure;

24 (4) has no pending delinquent conduct matters;

25 (5) was not transferred by a juvenile court to a criminal court for prosecution under
26 Section 54.02;

27 (6) has not been convicted of a felony or misdemeanor punishable by confinement in
28 jail as an adult; and

29 (7) has no pending charges as an adult for a felony or misdemeanor punishable by
30 confinement in jail.

31 (c) This section does not apply to the records of a child who was referred to a juvenile
32 probation department or juvenile court only for conduct indicating a need for supervision.~~[(a) The~~
33 ~~department shall certify to the juvenile probation department to which a referral was made that~~

1 ~~resulted in information being submitted to the juvenile justice information system that the records~~
2 ~~relating to a person's juvenile case are subject to automatic restriction of access if:~~

3 ~~(1) the person is at least 17 years of age;~~

4 ~~(2) the juvenile case did not include conduct resulting in determinate sentence~~
5 ~~proceedings in the juvenile court under Section 53.045; and~~

6 ~~(3) the juvenile case was not certified for trial in criminal court under Section 54.02.~~

7 ~~(b) If the department's records relate to a juvenile court with multicounty jurisdiction, the~~
8 ~~department shall issue the certification described by Subsection (a) to each juvenile probation~~
9 ~~department that serves the court. On receipt of the certification, each juvenile probation department~~
10 ~~shall determine whether it received the referral and, if it received the referral, take the restrictive~~
11 ~~action notification required by law.~~

12 ~~(c) The department may issue the certification described by Subsection (a) by electronic~~
13 ~~means, including by electronic mail.]~~

14 SECTION 22. The heading of Section 58.204, Family Code, is amended to read as follows:

15 Sec. 58.204 CERTIFICATION OF ELIGIBILITY FOR SEALING WITHOUT APPLICATION IF REFERRED
16 FOR DELINQUENT CONDUCT.~~[RESTRICTED ACCESS ON CERTIFICATION.]~~

17 SECTION 23. Section 58.204, Family Code, is amended to read as follows:

18 (a) The Texas Department of Public Safety shall certify to each juvenile probation department
19 to which a referral was made that resulted in information being submitted to the juvenile justice
20 information system that the records relating to the person referred appear to be eligible for sealing
21 without application to the juvenile court in accordance with the criteria in Section 58.203.

22 (b) The Texas Department of Public Safety may issue the certification described by Subsection
23 (a) by electronic means, including by electronic mail.

24 (c) Except as provided by subsection (d), no later than 60 days after receiving the certification,
25 the juvenile probation department shall give the juvenile court notice that it received the certification
26 and shall provide the juvenile court with a list of all referrals received by the juvenile probation
27 department and the outcome of each referral.

28 (d) If the juvenile probation department has reason to believe the records of the person for
29 whom the department received a certification under subsection (a) are not eligible for sealing, the
30 juvenile probation department shall contact the Texas Department of Public Safety within 15 days of
31 receipt of the certification. If, after such contact, it is determined the records are eligible for sealing,
32 the juvenile probation department shall, no later than 30 days after such determination, provide the
33 juvenile court with the information in subsection (c). If it is determined the records are not eligible for

1 sealing, the entities will ensure the juvenile justice information system is updated accordingly and no
2 further action is required.

3 (e) No later than 60 days after the juvenile court receives notice from the juvenile probation
4 department that it has received a certification from the Texas Department of Public Safety, the
5 juvenile court shall issue an order sealing all records relating to the individual named in the
6 certification. ~~[(a) On certification of records in a case under Section 58.203, the department, except as~~
7 ~~provided by Subsection (b):~~

8 ~~(1) may not disclose the existence of the records or any information from the records~~
9 ~~in response to an inquiry from:~~

10 ~~(A) a law enforcement agency;~~

11 ~~(B) a criminal or juvenile justice agency;~~

12 ~~(C) a governmental or other agency given access to information under~~
13 ~~Chapter 411, Government Code; or~~

14 ~~(D) any other person, agency, organization, or entity; and~~

15 ~~(2) shall respond to a request for information about the records by stating that the~~
16 ~~records do not exist.~~

17 ~~(b) On certification of records in a case under Section 58.203, the department may permit~~
18 ~~access to the information in the juvenile justice information system relating to the case of an~~
19 ~~individual only:~~

20 ~~(1) by a criminal justice agency for a criminal justice purpose, as those terms are~~
21 ~~defined by Section 411.082, Government Code;~~

22 ~~(2) for research purposes, by the Texas Juvenile Justice Department;~~

23 ~~(3) by the person who is the subject of the records on an order from the juvenile court~~
24 ~~granting the petition filed by or on behalf of the person who is the subject of the records;~~

25 ~~(4) with the permission of the juvenile court at the request of the person who is the~~
26 ~~subject of the records;~~

27 ~~(5) with the permission of the juvenile court, by a party to a civil suit if the person who~~
28 ~~is the subject of the records has put facts relating to the person's records at issue in the suit; or~~

29 ~~(6) with the written permission of the individual, by military personnel, including a~~
30 ~~recruiter, of this state or the United States if the individual is an applicant for enlistment in the armed~~
31 ~~forces.]~~

1 SECTION 24. The heading of Section 58.205, Family Code, is amended to read as follows:

2 Sec. 58.205. SEALING WITHOUT APPLICATION IF REFERRED FOR CONDUCT INDICATING A
3 NEED FOR SUPERVISION. [REQUEST TO THE FEDERAL BUREAU OF INVESTIGATION ON CERTIFICATION.]

4 SECTION 25. Section 58.205, Family Code, is amended to read as follows: (a) A person who
5 was referred to a juvenile probation department for conduct indicating a need for supervision and
6 never referred to the juvenile probation department for delinquent conduct is entitled to have all
7 records related to all conduct indicating a need for supervision matters sealed without the person
8 making application to the juvenile court if the person is at least 18 years of age and

9 (1) has not been convicted of a felony as an adult; and

10 (2) has no pending charges as an adult for a felony or misdemeanor punishable by
11 confinement in jail.

12 (b) The juvenile probation department shall give the juvenile court notice that a person is
13 eligible for sealing under subsection (a) and shall provide the juvenile court with a list of all referrals
14 received by the juvenile probation department and the outcome of each referral.

15 (c) No later than 60 days after the juvenile court receives notice from the juvenile probation
16 department under subsection (b), the juvenile court shall issue an order sealing all records relating to
17 the individual named in the certification. [On certification of records in a case under Section 58.203,
18 the department shall request the Federal Bureau of Investigation to:

19 (1) place the information in its files on restricted status, with access only by a criminal
20 justice agency for a criminal justice purpose, as those terms are defined by Section 411.082,
21 Government Code; or

22 (2) if the action described in Subdivision (1) is not feasible, delete all information in its
23 database concerning the case.]

24 SECTION 26. The heading of Section 58.206, Family Code, is amended to read as follows:

25 Sec. 58.206. APPLICATION FOR SEALING OF RECORDS. [EFFECT OF CERTIFICATION IN
26 RELATION TO THE PROTECTED PERSON.]

27 SECTION 27. Section 58.206, Family Code, is amended to read as follows:

28 (a) Notwithstanding Sections 58.203 and 58.205, an application for sealing of records may be
29 filed in the juvenile court served by the juvenile probation department to which the person who is the
30 subject of the records was referred. No fee may be charged for the filing of an application for sealing,
31 regardless of the form of the application.

32 (b) An application filed under this section must include the following information or an
33 explanation for why one or more of the following is not included:

1 (1) the applicant's:
2 (A) full name;
3 (B) sex;
4 (C) race or ethnicity;
5 (D) date of birth;
6 (E) driver's license or identification card number; and
7 (F) social security number;
8 (2) the conduct for which the applicant was referred to the juvenile probation
9 department, including the date on which each offense was alleged or found to have been
10 committed;
11 (3) the cause number assigned to each petition filed in juvenile court, if any, and the
12 court in which the petition was filed; and
13 (4) a list of all entities the applicant believes have possession of records related to the
14 applicant, including the applicable entities listed in Section 58.208(b).
15 (c) Subject to subsections (d), (e), and (f), the juvenile court may order the sealing of records
16 related to all matters for which the applicant was referred to the juvenile probation department if the
17 court finds the applicant:
18 (1) is at least 18 years of age or, if not yet 18, at least two years have elapsed since final
19 discharge in each matter for which the applicant was referred to the juvenile probation
20 department;
21 (2) has no delinquent conduct matters pending with any juvenile probation
22 department or juvenile court;
23 (3) was not transferred by a juvenile court to a criminal court for prosecution under
24 Section 54.02;
25 (4) has not been convicted of a felony as an adult; and
26 (5) has no pending charges as an adult for a felony or a misdemeanor punishable by
27 confinement in jail.
28 (d) A court may not order sealing of the records of a person who has received a determinate
29 sentence for engaging in delinquent conduct that violated a penal law listed in 53.045 or engaging in
30 habitual felony conduct as described by Section 51.031.
31 (e) A court may not order sealing of the records of a person who is currently required to
32 register as a sex offender under Article 62, Code of Criminal Procedure.
33 (f) A court may not order sealing of the records of a person who was committed to the Texas

1 Juvenile Justice Department or to a post-adjudication secure correctional facility under Section
2 54.04011 unless the person has been discharged from the agency to which the person was
3 committed.

4 (g) On receipt of an application under this section, the court may:

5 (1) order the sealing of the records immediately and without a hearing; or

6 (2) hold a hearing under Section 58.207 to determine whether to seal the records. [(a)

7 On certification of records in a case under Section 58.203:

8 (1) the person who is the subject of the records is not required to state in any
9 proceeding, except as otherwise authorized by law in a criminal proceeding in which the person is
10 testifying as a defendant, or in any application for employment, licensing, or other public or private
11 benefit that the person has been a respondent in a case under this title and may not be punished, by
12 perjury prosecution or otherwise, for denying:

13 (A) the existence of the records; or

14 (B) the person's participation in a juvenile proceeding related to the records;

15 and

16 (2) information from the records may not be admitted against the person who is the
17 subject of the records in a civil or criminal proceeding except a proceeding in which a juvenile
18 adjudication was admitted under:

19 (A) Section 12.42, Penal Code;

20 (B) Article 37.07, Code of Criminal Procedure; or

21 (C) as otherwise authorized by criminal procedural law.

22 (b) A person who is the subject of records certified under this subchapter may not waive the
23 restricted status of the records or the consequences of the restricted status.]

24 SECTION 28. The heading of Section 58.207, Family Code, is amended to read as follows:

25 Sec. 58.207. HEARING REGARDING SEALING OF RECORDS. [JUVENILE COURT ORDERS ON
26 CERTIFICATION.]

27 SECTION 29. Section 58.207, Family Code, is amended to read as follows:

28 (a) Unless the court orders records sealed without a hearing, a hearing shall be held within 60
29 days of receipt of an application for sealing made under Section 58.206.

30 (b) Reasonable notice of a hearing under this section shall be given to:

31 (1) the person who is the subject of the records;

32 (2) the attorney who made the application for sealing, if any;

33 (3) the prosecuting attorney for the juvenile court;

1 (4) all entities named in the application as believed to have possession of records
2 related to the applicant; and

3 (5) any individual or entity requested by the applicant or prosecutor.

4 ~~[(a) On certification of records in a case under Section 58.203, the juvenile court shall order:~~

5 ~~(1) that the following records relating to the case may be accessed only as provided~~
6 ~~by Section 58.204(b):~~

7 ~~(A) if the respondent was committed to the Texas Juvenile Justice~~
8 ~~Department, records maintained by the department;~~

9 ~~(B) records maintained by the juvenile probation department;~~

10 ~~(C) records maintained by the clerk of the court;~~

11 ~~(D) records maintained by the prosecutor's office; and~~

12 ~~(E) records maintained by a law enforcement agency; and~~

13 ~~(2) the juvenile probation department to make a reasonable effort to notify the~~
14 ~~person who is the subject of records for which access has been restricted of the action restricting~~
15 ~~access and the legal significance of the action for the person, but only if the person has requested the~~
16 ~~notification in writing and has provided the juvenile probation department with a current address.~~

17 ~~(b) Except as provided by Subsection (c), on receipt of an order under Subsection (a)(1), the~~
18 ~~agency maintaining the records:~~

19 ~~(1) may allow access only as provided by Section 58.204(b); and~~

20 ~~(2) shall respond to a request for information about the records by stating that the~~
21 ~~records do not exist.~~

22 Text of subsection as added by Acts 2013, 83rd Leg., R.S., Ch. 871, Sec. 2

23 ~~(c) Notwithstanding Subsection (b) of this section and Section 58.206(b), with the written~~
24 ~~permission of the subject of the records, an agency under Subsection (a)(1) may allow military~~
25 ~~personnel, including a recruiter, of this state or the United States to access juvenile records in the~~
26 ~~same manner authorized by law for records to which access has not been restricted under this section.~~

27 Text of subsection as added by Acts 2013, 83rd Leg., R.S., Ch. 1299, Sec. 31

28 ~~(c) Subsection (b) does not apply if:~~

29 ~~(1) the subject of an order issued under Subsection (a)(1) is under the jurisdiction of~~
30 ~~the juvenile court or the Texas Juvenile Justice Department; or~~

31 ~~(2) the agency has received notice that the records are not subject to restricted access~~
32 ~~under Section 58.211.~~

1 ~~(d) Notwithstanding Subsection (b) and Section 58.206(b), with the permission of the subject~~
2 ~~of the records, an agency listed in Subsection (a)(1) may permit the state military forces or the United~~
3 ~~States military forces to have access to juvenile records held by that agency. On receipt of a request~~
4 ~~from the state military forces or the United States military forces, an agency may provide access to~~
5 ~~juvenile records held by that agency in the same manner authorized by law for records that have not~~
6 ~~been restricted under Subsection (a).]~~

7 SECTION 30. The heading of Section 58.208, Family Code, is amended to read as follows:

8 Sec. 58.208. ORDER SEALING RECORDS. ~~[INFORMATION TO CHILD ON DISCHARGE.]~~

9 SECTION 31. Section 58.208, Family Code, is amended to read as follows: (a) An order sealing
10 records under this subchapter must include the following information or an explanation for why one
11 or more of the following is not included:

12 (1) the person's:

13 (A) full name;

14 (B) sex;

15 (C) race or ethnicity;

16 (D) date of birth;

17 (E) driver's license or identification card number; and

18 (F) social security number;

19 (2) each offense charged against the person or for which the person was referred to
20 the juvenile justice system;

21 (3) the date on which and the county in which each offense was alleged to have been
22 committed;

23 (4) if any petitions were filed in the juvenile court, the cause number assigned to each
24 petition and the court and county in which each petition was filed; and

25 (5) a list of entities believed to be in possession of the records that have been ordered
26 sealed, including the entities in subsection (c).

27 (b) No later than 60 days after entry of the order, the court shall provide a copy of the order to
28 the following:

29 (1) the Department of Public Safety;

30 (2) the Texas Juvenile Justice Department, if the person was committed to the Texas
31 Juvenile Justice Department;

32 (3) the clerk of court;

33 (4) the juvenile probation department serving the court;

1 (5) the prosecutor's office;

2 (6) each law enforcement agency taking custody of or having contact with the child
3 related to conduct that is the subject of the sealing order;

4 (7) each public or private agency that had custody of or that provided supervision or
5 services to the individual related to conduct that is the subject of the sealing order;

6 (8) each official, agency, or other entity of this state or political subdivision of this state
7 that the court has reason to believe has any record containing information related to the conduct that
8 is the subject of the sealing order; and

9 (9) any other entity that the court has reason to believe has any record containing
10 information related to the conduct that is the subject of the sealing order.

11 (c) On entry of the order, all adjudications are vacated and the proceeding is dismissed and
12 treated for all purposes as if it had never occurred. The clerk of court shall seal all court records,
13 including any created in the clerk's case management system, and shall send copies of the order to all
14 entities listed in the order. [On the final discharge of a child from the juvenile system or on the last
15 official action in the case, if there is no adjudication, the appropriate juvenile justice official shall
16 provide to the child:

17 (1) a written explanation of how automatic restricted access under this subchapter
18 works;

19 (2) a copy of this subchapter; and

20 (3) a statement that if the child wishes to receive notification of an action restricting
21 access to the child's records under Section 58.207(a), the child must before the child's 17th birthday
22 provide the juvenile probation department with a current address where the child can receive
23 notification.]

24 SECTION 32. The heading of Section 58.209, Family Code, is amended to read as follows:

25 SEC. 58.209 ACTIONS TAKEN ON RECEIPT OF ORDER OF SEALING [INFORMATION TO CHILD BY
26 PROBATION OFFICER OR TEXAS JUVENILE JUSTICE DEPARTMENT].

27 SECTION 33. Section 58.209, Family Code, is amended to read as follows:

28 (a) An entity receiving an order of sealing under this subchapter shall, no later than the 61st
29 day after receiving the order, take the following actions, as appropriate:

30 (1) the Texas Department of Public Safety shall limit access to the records in the
31 juvenile justice information system to only the Texas Juvenile Justice Department for the purpose of
32 conducting research and statistical studies and shall destroy any other records in its possession,

1 including DNA records as provided by Section 411.151, and send to the issuing court written
2 verification of the limitation and destruction;

3 (2) the Texas Juvenile Justice Department shall seal all records other than those
4 exempted from sealing pursuant to Section 58.202 and send to the issuing court written verification of
5 the sealing;

6 (3) each public or private agency or institution that had custody of or provided
7 supervision or services to the subject of the records, juvenile probation department, law enforcement
8 entity, and prosecuting attorney shall seal all records and send to the issuing court written verification
9 of the sealing;

10 (4) any other entity receiving an order of sealing shall send its records to the issuing
11 court, delete all index references to such records, and send to the issuing court written verification of
12 the deletion.

13 (b) Records, whether physical or electronic, are considered sealed if the records are not
14 destroyed but are securely stored in a manner that allows access to them only by the custodian of
15 records for the entity possessing the records.

16 (c) On inquiry in any matter, an entity that has received a sealing order under this subchapter
17 shall properly respond that no records exist with respect to the person who is the subject of the
18 sealing order.

19 (d) If an entity receiving a sealing order under this subchapter is unable to comply with the
20 order because the information is incorrect or insufficient for the entity to identify the records that are
21 subject to the order, the entity shall notify the issuing court no later than the 30th day after receipt of
22 the order. The court shall take actions necessary and available to provide the needed information,
23 including contacting the person who is the subject of the order or an attorney for that person.

24 (e) If an entity receiving a sealing order under this subchapter has no records related to the
25 person who is the subject of the order, the entity shall provide written verification of that fact to the
26 court no later than the 30th day after receipt of the order. [(a) When a child is placed on probation for
27 an offense that may be eligible for automatic restricted access at age 17 or when a child is received by
28 the Texas Juvenile Justice Department on an indeterminate commitment, a probation officer or an
29 official at the Texas Juvenile Justice Department reception center, as soon as practicable, shall explain
30 the substance of the following information to the child:

31 (1) if the child was adjudicated as having committed delinquent conduct for a felony
32 or jailable misdemeanor, that the child probably has a juvenile record with the department and the
33 Federal Bureau of Investigation;

1 ~~(2) that the child's juvenile record is a permanent record that is not destroyed or~~
2 ~~erased unless the record is eligible for sealing and the child or the child's family hires a lawyer and files~~
3 ~~a petition in court to have the record sealed;~~

4 ~~(3) that the child's juvenile record, other than treatment records made confidential by~~
5 ~~law, can be accessed by police, sheriff's officers, prosecutors, probation officers, correctional officers,~~
6 ~~and other criminal and juvenile justice officials in this state and elsewhere;~~

7 ~~(4) that the child's juvenile record, other than treatment records made confidential by~~
8 ~~law, can be accessed by employers, educational institutions, licensing agencies, and other~~
9 ~~organizations when the child applies for employment or educational programs;~~

10 ~~(5) if the child's juvenile record is placed on restricted access when the child becomes~~
11 ~~17 years of age, that access will be denied to employers, educational institutions, and others except for~~
12 ~~criminal justice agencies;~~

13 ~~(6) that restricted access does not require any action by the child or the child's family,~~
14 ~~including the filing of a petition or hiring of a lawyer, but occurs automatically at age 17; and~~

15 ~~(7) that if the child is under the jurisdiction of the juvenile court or the Texas Juvenile~~
16 ~~Justice Department on or after the child's 17th birthday, the law regarding restricted access will not~~
17 ~~apply until the person is discharged from the jurisdiction of the court or department, as appropriate.~~

18 ~~(b) The probation officer or Texas Juvenile Justice Department official shall:~~

19 ~~(1) give the child a written copy of the explanation provided; and~~

20 ~~(2) communicate the same information to at least one of the child's parents or, if none~~
21 ~~can be found, to the child's guardian or custodian.~~

22 ~~(c) The Texas Juvenile Justice Department shall adopt rules to implement this section and to~~
23 ~~facilitate the effective explanation of the information required to be communicated by this section.]~~

24 SECTION 34. The heading of Section 58.210, Family Code, is amended to read as follows:

25 Sec. 58.210. INSPECTION OF SEALED RECORDS. ~~[SEALING OR DESTRUCTION OF RECORDS NOT~~
26 ~~AFFECTED;]~~

27 SECTION 35. Section 58.210, Family Code, is amended to read as follows:

28 (a) Inspection of records sealed under this subchapter may be permitted only by an order of
29 the juvenile court and only in the following instances:

30 (1) on the petition of the person who is the subject of the records and only by the
31 person(s) named in the order;

32 (2) on the petition of a prosecutor for the purpose of reviewing the records for
33 possible use in a subsequent capital prosecution; or

1 (3) on the petition of a prosecutor for the purpose of reviewing the records for
2 possible use for enhancement of punishment as allowed in Section 12.42, Penal Code.

3 (b) After inspection as provided in subsection (a)(1), the court may order the release of any or
4 all of the records to the petitioner.

5 (c) After inspection as provided in subsections (a)(2) or (3), the court may order the release of
6 any or all of the records to the prosecutor.

7 ~~[(a) This subchapter does not prevent or restrict the sealing or destruction of juvenile records~~
8 ~~as authorized by law.~~

9 ~~(b) Restricted access provided under this subchapter is in addition to sealing or destruction of~~
10 ~~juvenile records.~~

11 ~~(c) A person who is the subject of records certified under this subchapter is entitled to access~~
12 ~~to the records for the purpose of preparing and presenting a motion to seal or destroy the records.]~~

13 SECTION 36. The heading of Section 58.211, Family Code, is amended to read as follows:

14 Sec. 58.211. EFFECT OF SEALING IN RELATION TO THE SUBJECT OF THE RECORDS.

15 ~~[RESCINDING~~
16 ~~RESTRICTED ACCESS.]~~

17 SECTION 37. Section 58.211, Family Code, is amended to read as follows:

18 (a) A person whose records have been sealed under this subchapter is not required to state in
19 any proceeding or in any application for employment, licensing, admission, housing, or other public or
20 private benefit that the person has been the subject of a matter under this title.

21 (b) Denying the existence of the records or the person's involvement in a juvenile matter may
22 not be used against the individual in any manner, including but not limited to:

23 (1) in a perjury prosecution or other criminal proceeding;

24 (2) in a civil proceeding;

25 (3) in a process involving an application for licensing or certification; or

26 (4) in an admission, employment, or housing decision.

27 (c) If records have been sealed under this subchapter, the information in the records or the
28 fact that the records once existed may not be used against the individual in any manner, including but
29 not limited to:

30 (1) in an administrative proceeding involving a governmental entity;

31 (2) in a civil or criminal proceeding;

32 (3) in a process involving an application for licensing or certification; or

33 (4) in a process involving an admission, employment, or housing decision.

1 (d) A person who is the subject of records sealed under this subchapter may not waive the
2 protected status of the records or the consequences of the protected status.~~(a) If the department has~~
3 ~~notified a juvenile probation department that a record has been placed on restricted access and the~~
4 ~~department later receives information in the department's criminal history system that the subject of~~
5 ~~the records has been convicted of or placed on deferred adjudication for a felony or a misdemeanor~~
6 ~~punishable by confinement in jail for an offense committed after the person reached the age of 17, the~~
7 ~~person's juvenile records are no longer subject to restricted access. The department shall notify the~~
8 ~~appropriate local juvenile probation departments in the manner described by Section 58.203 that the~~
9 ~~person's records are no longer subject to restricted access.~~

10 ~~(b) On receipt of the notification described by Subsection (a), the juvenile probation~~
11 ~~department shall notify the agencies that maintain the person's juvenile records under Section~~
12 ~~58.207(b) that the person's records are no longer subject to restricted access.]~~

13 SECTION 38. Subchapter C, Chapter 58, Family Code, is amended by adding Section 58.212 to
14 read as follows:

15 Sec. 58.212. INFORMATION TO CHILD REGARDING SEALING OF RECORDS. (a) When a child is
16 referred to the juvenile probation department, an employee of the probation department shall give
17 the child and the child's parent, guardian, or custodian, a written explanation regarding sealing under
18 this subchapter and a copy of this subchapter.

19 (b) On the final discharge of a child or on the last official action in the matter if there is no
20 adjudication, a probation officer or official at the Texas Juvenile Justice Department, as appropriate,
21 shall give the child a written explanation regarding sealing eligibility under this subchapter and a copy
22 of this subchapter.

23 (c) The written explanation provided under subsections (a) and (b) must include the rules for
24 sealing eligibility, including an explanation of those records that are exempt from sealing under
25 Section 58.202, and the substance of the following information:

26 (1) even if not adjudicated, the child has a juvenile record with the Texas Department
27 of Public Safety and the Federal Bureau of Investigation;

28 (2) the child's juvenile record is a permanent record that is not destroyed or erased
29 unless the record is sealed under this subchapter;

30 (3) the child's juvenile record, other than treatment records made confidential by law,
31 can be accessed by police, sheriff's officers, prosecutors, probation officers, correctional officers, and
32 other criminal and juvenile justice officials in this state and elsewhere unless the record is sealed as
33 provided by this subchapter;

1 (4) sealing under Section 58.203 or Section 58.205, as applicable, does not require any
2 action by the child or the child's family, including the filing of an application or hiring of a lawyer, but
3 occurs automatically at age 18, 19, or 25, as applicable based on the child's referral and adjudication
4 history; and

5 (5) the child's juvenile record may be eligible for sealing earlier under Section 58.206
6 but such sealing requires the child or an attorney for the child to file an application with the court;

7 (6) the impact of sealing on the child; and

8 (7) the circumstances under which a sealed record may be re-opened.

9 (d) The Texas Juvenile Justice Department shall adopt rules to implement this section and to
10 facilitate the effective explanation of the information required to be communicated by this section.

11 SECTION 39. Subchapter C, Chapter 58, Family Code, is amended by adding Section 58.213 to
12 read as follows:

13 Sec. 58.213. DESTRUCTION OF RECORDS WHEN NO PROBABLE CAUSE EXISTS. The court shall
14 order the destruction of the records relating to the conduct for which a child is taken into custody,
15 including records contained in the juvenile justice information system, if:

16 (1) a determination that no probable cause exists to believe the child engaged in the conduct
17 is made under Section 53.01 and the case is not referred to a prosecutor for review under Section
18 53.012; or

19 (2) a determination that no probable cause exists to believe the child engaged in the conduct
20 is made by a prosecutor under Section 53.012.

21 SECTION 40. Subchapter C, Chapter 58, Family Code, is amended by adding Section 58.214 to
22 read as follows:

23 Sec. 58.214. PERMISSIBLE DESTRUCTION OF RECORDS. (a) The following persons may
24 authorize, subject to Subsections (b) and (c) and any other restrictions imposed by the entity's records
25 retention guidelines adopted pursuant to Local Government Code Section 202.001, the destruction of
26 records in a closed juvenile matter:

27 (1) a juvenile board in relation to the records in the possession of the juvenile
28 probation department;

29 (2) the head of a law enforcement agency in relation to the records in the possession
30 of the agency; and

31 (3) a prosecuting attorney in relation to the records in the possession of the
32 prosecuting attorney's office.

1 (b) The records related to a person referred to the juvenile probation department may be
2 destroyed if the person:

3 (1) is at least 18 years of age and:

4 (A) the most serious conduct adjudicated was conduct indicating a need for
5 supervision;

6 (B) the most serious conduct referred was conduct indicating a need for
7 supervision and there was not an adjudication; or

8 (C) the referral or information did not relate to conduct indicating a need for
9 supervision or delinquent conduct and the juvenile probation department, prosecutor, or juvenile
10 court did not take action on the referral or information for that reason;

11 (2) is at least 21 years of age and:

12 (A) the most serious conduct adjudicated was delinquent conduct that
13 violated a penal law of the grade of misdemeanor; or

14 (B) the most serious conduct referred was delinquent conduct that violated a
15 penal law of the grade of misdemeanor or felony and there was not an adjudication; or

16 (3) is at least 31 years of age and the most serious conduct adjudicated was
17 delinquent conduct that violated a penal law of the grade of felony.

18 (c) If a record contains information relating to more than one person referred to the juvenile
19 probation department, the record may only be destroyed if:

20 (1) the destruction of the information is authorized under this section; and

21 (2) the information can be separated from information that is not authorized to be
22 destroyed under this section.

23 (d) Electronic records are considered destroyed if the electronic records, including the index
24 to the records, are deleted.

25 (e) Converting physical records to electronic records and subsequently destroying the
26 physical records while maintaining the electronic records is not considered destruction of a record
27 under this subchapter.

28 (f) This section does not authorize the destruction of the records of the juvenile court or clerk
29 of court.

30 (g) This section does not authorize the destruction of records maintained for statistical and
31 research purposes by the Texas Juvenile Justice Department in a juvenile case management system
32 authorized by Section 58.403.

1 (h) This section does not affect the destruction of physical records and files authorized by the
2 Texas State Library Records Retention Schedule.

3 (i) This section applies to all records in a juvenile matter, regardless of the date the record was
4 created.

5 SECTION 41. Subchapter C, Chapter 58, Family Code, is amended by adding Section 58.215 to
6 read as follows:

7 Sec. 58.215. JUVENILE RECORDS NOT SUBJECT TO EXPUNCTION. Records to which this chapter
8 applies are not subject to an order of expunction issued by any court.

9 SECTION 42. Section 58.112, Family Code, is transferred to Title 12, Subtitle A, Chapter 203,
10 Human Resources Code, and redesignated as Section 203.019, Human Resources Code.

11 SECTION 43. REPEALER. The following provisions of the Family Code are repealed:

- 12 (1) Section 58.001(b);
- 13 (2) Section 58.003;
- 14 (3) Section 58.006;
- 15 (4) Sections 58.007(c), (d), (e), and (f);
- 16 (5) Section 58.0071;
- 17 (6) Section 58.00711; and
- 18 (7) Section 58.106(a-1).

COMMENTARY & ANALYSIS

Section 1 renames Subchapter A, Chapter 58, Family Code, from “Records” to “Creation and Confidentiality of Juvenile Records” to provide greater specificity regarding the subject of this subchapter.

Section 2 renames Section 58.001, Family Code, from “Collection of Records of Children” to “Law Enforcement Collection and Transmittal of Records of Children” to clarify its applicability to law enforcement and to better capture the subject of the statute.

Section 3 modifies Section 58.002(b), Family Code, to provide that the juvenile board may conduct an audit to ensure law enforcement has destroyed juvenile records as requires by Section 58.001 but is no longer required to conduct this audit annually. This improves efficiency by eliminating an annual requirement while still ensuring accountability by retaining the juvenile board’s authority to conduct the audit to ensure the records are being destroyed. Section 3 also modifies Section 58.002(c), Family Code, by adding language to ensure consistency with subsection (a) and to clarify that parental consent is not required for law enforcement to take photographs of a juvenile who has been taken into custody or who has been referred to juvenile court for conduct that constitutes a felony or a jailable misdemeanor.

Comment: Under subsection (a), law enforcement officers may fingerprint and photograph a child without consent of the juvenile court if the juvenile has been taken into custody or has been referred to juvenile court (without being taken into custody) for a felony or jailable misdemeanor. Subsection (c) in current law provides that nothing in Section 58.002 prohibits law enforcement from fingerprinting or photographing a child who is not in custody if the child’s parent or guardian has given consent. There has been ongoing confusion about the fact that subsection (c) mentions only a child who is not in custody and whether that means that parental consent is required to fingerprint and photograph a child who is not in custody but who has been referred to juvenile court for a felony or jailable misdemeanor. This change in law is designed to clarify that parental consent is not required for a law enforcement officer to fingerprint or photograph a child who is not in custody but who has been referred to juvenile court for a felony or jailable misdemeanor.

Section 4 modifies Section 58.0021, Family Code, by adding subsection (d-1) to allow a law enforcement officer to obtain a photograph of a child from a juvenile probation department if the officer has probable cause to believe the child has engaged in delinquent conduct and has probable cause to believe the child’s photograph will be of material assistance in the investigation.

Comment: This change reduces the need for law enforcement to take a child into temporary custody for the purpose of obtaining a photograph by allowing the law enforcement officer to obtain an already existing photograph from the juvenile probation department.

Section 5 modifies Section 58.004(a), Family Code, by eliminating the words “or file” from the phrase “record or file” to eliminate the confusion seen regarding what is meant by a record or file in current law. It also modifies Section 58.004(b) to ensure documents containing the name of the victim are provided to the juvenile’s defense attorney as well as a defense attorney representing another person in the same matter as this is consistent with constitutional rights regarding a defendant’s right to know the identity of his or her accuser.

Sections 6 and 7 modify Section 58.005, Family Code to clarify it applies to all records, not just treatment records, and that it applies to the records of any facility or entity given custody of the juvenile by the juvenile court, including entities operated by or under contract with a juvenile board.

Comment: When Section 58.005, Family Code, was first enacted, it applied only to treatment records of a juvenile. It was modified to include all records of an entity providing supervision of or custody of a juvenile under juvenile court order. However, a persistent grammar error has contributed to years of confusion, with many still interpreting it to be applicable to only treatment records. In addition to that confusion, there was confusion over the section's applicability to facilities operated by juvenile probation departments. Although current Section 58.005 applies to any entity with custody over or providing supervision to a juvenile, Section 58.007, Family Code, explicitly applies to the records of a juvenile probation department. The amendments to Section 58.005 are designed to create a clear delineation between the applicability of Section 58.005 to records of a facility or entity with custody of the child under a juvenile court order and the applicability of Section 58.007 to other records of a juvenile probation department, as well as other named entities.

Section 8 modifies Section 58.0052, Family Code, to clarify that the records shared between juvenile service providers under this section may be shared only for the purposes of identifying a multi-system youth, coordinating and monitoring care for a multi-system youth, and improving the quality of juvenile services provided to a multi-system youth.

Comment: The committee was informed that some juvenile service providers, as defined by statute, have attempted to obtain information about a multi-system youth for reasons other than those set out in the statute, with a frequent example being for the purpose of prosecution. This change is designed to call attention to the already existing limitation on sharing under the statute to ensure records are not shared when they are not permitted to be.

Sections 9 and 10 modify Section 58.007, Family Code to modify the heading from "Physical Records or Files" to "Confidentiality of Probation Department, Prosecutor, and Court Records" to better define the content of the section. Subsection (a) is amended to add copying records to the applicability of the section and to add a reference to Subchapter D-1, related to the juvenile case management systems records to the inapplicability language. Subsection (b) is amended to clarify that it is an attorney who is representing a party to a Title 3 proceeding in a Title 3 proceeding who may have the records, not an attorney representing a party to a Title 3 proceeding in a different matter. Subsection (b) is also amended to allow the juvenile probation department, prosecutor, or court may share records with a treatment provider as long as the provider has entered into a written confidentiality agreement with the sharing entity. Subsection (b-1) is existing law that has been relocated; it allows the person who is the subject of the records to have access to the records in order to prepare a motion or application to seal the records. Subsection (g) is amended to clarify that while once a record has been sealed, the juvenile court may not provide a copy of an adjudication to a prosecutor for the purposes of presenting that record in an adult criminal proceeding.

Section 11 adds a new Section 58.008 to the Family Code. Although the section is new, the law is not. The law in new Section 58.008 currently resides in Section 58.007 and is now in its own statute because there are differences in the law applicable to law enforcement records and the law applicable to juvenile probation, prosecutor, or court records.

Section 12 renumbers current Section 58.0072, Family Code, to Section 58.009, Family Code, for organizational purposes. It modifies existing law to expand the group of entities conducting research that the Texas Juvenile Justice Department may provide with identifiable data while also ensuring that those entities enter into a confidentiality agreement with the Texas Juvenile Justice Department before being given that data. Subsection (g) is modified to clarify that, with the exception of data provided to appropriate entities for legislative purposes, the Texas Juvenile Justice Department is permitted but not required to provide the entities described in this section with access to the data.

Section 13 modifies Section 58.102(c), Family Code, so that it is written consistently with the language in Chapter 58, Family Code, which states when confidential juvenile records may be shared as opposed to stating restrictions on the sharing of the records.

Section 14 modifies Section 58.104(a) to clarify that the juvenile justice information system contains both information relating to delinquent conduct that has been proven to have been committed as well as information regarding conduct that has been alleged but has not been proven to have been committed. It further modifies Section 58.104(a) as well as Section 58.104(b) to specify that the date of and fact of closure of probation supervision or the discharge from commitment is information that is included in the juvenile justice information system.

Comment: The date of closure of probation or other supervision or discharge from the Texas Juvenile Justice Department is included in the Texas Department of Public Safety's juvenile justice information system. However, because it is not listed in statute, it is reported that ensuring that information is entered into the system is difficult. This information is important to ensure records are closed and individuals are identified as eligible for sealing when they should be because the failure to include such information makes a case appear to be pending. The addition of this information to the statute will help to ensure a complete history is recorded and help to ensure records are sealed when eligible.

Section 15, along with the repeal of Section 58.106 (a-1) noted in Section 43, modifies Section 58.106 to make all information in the Texas Department of Public Safety's juvenile justice information system available only to criminal justice agencies, juvenile justice agencies, the Texas Juvenile Justice Department, the office of independent ombudsman of the Texas Juvenile Justice Department, courts exercising jurisdiction over juveniles, the Texas Department of Family and Protective Services for certain purposes, and non-criminal justice agencies if authorized by federal statute or executive order to receive juvenile justice record information. Section 58.106(b) is modified to clarify that DPS does not have authority to share a document maintained by a juvenile justice or law enforcement agency that is the source of the information recorded in the juvenile justice information system.

Comment: One of the stated statutory purposes of the juvenile justice system is to remove the taint of criminality. One of the main methods of doing this has been to protect the juvenile records from disclosure. As technology has advanced, databases of records, such as the one maintained by the Texas Department of Public Safety have improved. Over the years, more and more entities have gained access to those records, including juvenile records. This has resulted in individuals being prohibited from gaining licensures or certificates from state agencies due to their juvenile record or, at times, simply a failure to disclose a juvenile record, something they believed to be confidential. In order to ensure consistency with the mission of the juvenile justice system to remove the taint of criminality, it is important to limit access to juvenile records to those who need to know them to do their jobs and ensure juveniles are receiving the rehabilitative services they need while maintaining public safety. The changes in Section 15 and repeal of Section 58.106(a-1) ensure that law

enforcement, juvenile justice agencies, and certain other entities have access to the records maintained in the juvenile justice information system while ensuring that information is not disclosed to other entities.

Section 16 modifies the title to Subchapter C of Chapter 58, Family Code, to reflect that restricted access to juvenile records has been repealed and Subchapter C is now the subchapter where statutes related to sealing and destruction of juvenile records are found.

Commentary: Restricted access is a complicated system that has been made unnecessary by the changes in this bill noted in Section 15, which limits disclosure of all juvenile records, not just those subject to restricted access, to specific entities as well as the changes related to sealing, described further herein. These changes simplify the management of juvenile records, creating efficiencies for those working with juvenile records as well as creating greater protections for the juveniles who are the subjects of the records.

Sections 17 and 18 modify Section 58.201, Family Code, to add relevant definitions.

Section 19 amends Section 58.202 to combine statutes that reflect all records exempt from sealing or destruction, which are sex offender registration and gang database records maintained by the Texas Department of Public Safety or a local law enforcement agency as well as data collected or maintained by the Texas Juvenile Justice Department for statistical and research purposes.

Sections 20 and 21 amend Section 58.203, Family Code, by replacing the former language related to Restricted Access, which has been repealed under this bill, with language setting out when records of a juvenile referred for delinquent conduct are eligible for sealing without the need for the juvenile to make application to the court (i.e. "automatic sealing"). Under this statute, a person is entitled to have his or her records sealed without making application to the juvenile court if the person was referred but never adjudicated for delinquent conduct or, if adjudicated for delinquent conduct, was never adjudicated for felony-level adjudicated conduct and the person: is at least 19 years of age; has no delinquent conduct matters pending; was not certified by the juvenile court for prosecution as an adult; and has no adult felony or jailable misdemeanor convictions or pending charges. Additionally, a person is entitled to have his or her records sealed without making application to the juvenile court if the person was adjudicated for felony-level delinquent conduct and the person: is at least 25 years of age; did not receive a determinate sentence, was never required to register as a sex offender, has no delinquent conduct matters pending; was not certified by the juvenile court for prosecution as an adult; and has no adult felony or jailable misdemeanor convictions or pending charges.

Sections 22 and 23 amend Section 58.204, Family Code, by replacing the former language related to Restricted Access, which has been repealed under this bill, with language setting out the Texas Department of Public Safety's responsibility to notify each juvenile probation department when a person's records are eligible for sealing without application to the court under Section 58.203. No later than 60 days after receipt of the notice from the Texas Department of Public Safety, the juvenile probation department must give the juvenile court notice that it received the certification and must provide the juvenile court with a list of all referrals and the outcome of each referral. No later than 60 days after receiving the notice from the probation department, the juvenile court shall issue an order sealing all records related to the individual.

Section 24 and 25 amend Section 58.205, Family Code, by replacing former language related to Restricted Access, which has been repealed under this bill, with language stating criteria for sealing in

conducting indicating a need for supervision matters. An individual who was referred to the juvenile probation department only for conduct indicating a need for supervision and never for delinquent conduct is entitled to have his or her records sealed without making application to the court if the person is at least 18 years of age. The juvenile probation department must provide notice to the court; no later than 60 days after receiving that notice, the juvenile court shall seal the records.

Sections 26 and 27 amend Section 58.206, Family Code, by replacing former language related to Restricted Access, which has been repealed under this bill, with language setting out the process to apply to have one's records sealed. With certain limitations, regardless of the offense level referred or whether or not an adjudication occurred, the court has the discretion to seal all records of a person if the court finds the following: the person is at least 18 or, if not yet 18 that at least two years have elapsed since final discharge in every matter for which the person was referred to the juvenile probation department; the person has no delinquent conduct matters pending with any juvenile probation department or court; the person was not certified as an adult; the person has no felony convictions as an adult; and the person has not pending adult charges for a jailable misdemeanor or higher level offense. The court may not seal the record of a person who received a determinate sentence or a person who is currently required to register as a sex offender. A court may not seal the records of an individual committed to the Texas Juvenile Justice Department or to a juvenile probation department under Section 54.04011 (applicable to Travis County only) unless the person has been discharged from the agency to which the person was committed. The court may seal the records without a hearing or may hold a hearing under Section 58.207. The statute makes clear that there may be no fee charged when an application for sealing is filed, regardless of the form of the filing.

Sections 28 and 29 amend Section 58.207, Family Code, by replacing former language related to Restricted Access, which has been repealed under this bill, with language establishing that a hearing on an application for sealing must be held within 60 days of the date the application is filed and setting out who must receive notice of the hearing.

Sections 30 and 31 amend Section 58.208, Family Code, by replacing former language related to Restricted Access, which has been repealed under this bill, with language setting out what must be included in an order sealing records. Once the order is entered, all adjudications are vacated and the proceeding is dismissed and treated as if it never occurred. The clerk of court is to seal all court records and send copies of the order to all entities listed in the order.

Sections 32 and 33 amend Section 58.209, Family Code, by replacing former language related to Restricted Access, which has been repealed under this bill, with language setting out the actions to be taken by particular entities upon receipt of a sealing order. No later than the 61st day after receipt of the order, the entities must take the actions set out in this section.

Comment: Under current law, the Texas Department of Public Safety deletes all information from its database when it receives a sealing order. The deletion of this data has impacted the ability to have an accurate count of recidivism rates. This change will leave the data intact but will ensure that only the Texas Juvenile Justice Department may access the data and then may do so only for research and statistical studies. All other records, including DNA records, will be destroyed, which is consistent with current law. Under current law, all other entities send physical copies of all records to the clerk that sent the order and the clerk maintains the sealed records. Under this bill, juvenile probation departments, law enforcement entities, prosecuting attorneys, and public and private agencies listed in the order will maintain the records locally

in a manner that ensures the records are protected from disclosure while any other entity listed in the order will send its records to the court clerk for storage. This change will improve the efficiency of the process while also reducing costs. More and more entities are moving to electronic records yet the current law's requirement to send documents to the clerk requires the printing of the documents simply for the sealing process; the clerk is then required to store the physical documents, which takes up limited space or even requires that off-site storage be paid for. The entities possessing these records are familiar with confidentiality and keeping records secured. Taking additional steps to secure a record that has been sealed is something they can accomplish.

Sections 34 and 35 amend Section 58.210, Family Code, by replacing former language related to Restricted Access, which has been repealed under this bill, with language setting out the process that allows for inspection of records that have been sealed. Inspection is permitted only by order of the juvenile court and only on petition of the person who is the subject of the order for any reason or on petition of a prosecutor for the purpose of reviewing the records for possible use in a subsequent capital prosecution or for enhancement of punishment as allowed in Section 12.42, Penal Code.

Sections 36 and 37 amend Section 58.211, Family Code, by replacing former language related to Restricted Access, which has been repealed under this bill, with language setting out the effect of sealing in relation to the subject of the records. If a person's records have been sealed, the person is not required to state in any proceeding or application for employment, licensing, admission, housing, or other public or private benefit that the person was ever the subject of a juvenile matter. Denial of the existence of the records or of the person's involvement in a juvenile matter may not be used against the individual in any manner, including but not limited to in a perjury prosecution or other criminal proceeding, in a civil proceeding, in a process involving an application for licensing or certification, or in an admission, employment, or housing decision. To provide further protection in the event sealed records or information is inadvertently released, subsection (c) provides that the information in the records, or fact that the records once existed may not be used against the individual in any manner. A person who is the subject of the records may not waive the protected status of the records or the consequences of the protected status.

Section 38 amends Subchapter C, Family Code, by adding Section 58.212, Family Code, to set out the information relating to sealing that the juvenile probation officer or TJJD official, as appropriate, must provide to a juvenile.

Section 39 amends Subchapter C, Family Code, by adding Section 58.213, Family Code, to require the court to order the destruction of records when the intake officer or prosecutor determines there is no probable cause that the juvenile engaged in delinquent conduct or conduct indicating a need for supervision. This is a reorganization of existing law, currently located in Section 58.006, Family Code. There is one change to existing law, which is that new Section 58.213 also provides for destruction if there is a referral to the juvenile probation department without a custodial event and it is determined there is no probable cause.

Section 40 amends Subchapter C, Family Code, by adding Section 58.214, Family Code, providing for permissible destruction of records. For the most part, this is a reorganization that moves the concept of permissible or "spring cleaning" destruction, as it is commonly referred to, from Section 58.0071 to Section 58.214. Some changes have been made, however, to clarify that only the juvenile probation department, law enforcement agencies, and prosecuting attorneys' offices may fully destroy their records if the criteria is met; court records must remain intact, though they can be either electronic or

physical. Converting physical records to electronic records does not constitute destruction. The most substantive change in this section is subsection (i), which provides that the ability to destroy the records under this section is applicable to all records, regardless of the date the record was created. This change is necessary to eliminate an inefficient system in which older records were unable to be destroyed under current law due to the applicability clause in the bill creating the law, which made it applicable only to records created on or after the effective date of the law.

Section 41 amends Subchapter C, Family Code, by adding Section 58.215, Family Code, to explicitly provide that juvenile records are not subject to an order of expunction. Sealing is, and has long been, the method provided in law for protecting juvenile records. While it has essentially the same legal impact as expunction, it is a different method and all courts, juvenile probation departments, and other related entities have processes in place to seal the records. Because expunction is not contemplated in Title 3, there are no processes in place to expunge juvenile records. The workgroup was made aware of expunction orders being issued for some juvenile records, which caused issues for many probation departments. This section is designed to make it clear that juvenile records are not subject to orders of expunction, thereby eliminating the issue that has recently occurred.

Section 42 transfers Section 58.112 to Title 12 of the Human Resources Code, which contains the Texas Juvenile Justice Department's enabling legislation. This change is part of the reorganization of records laws. This section is not related to juvenile records but instead requires TJJD to make an annual report to the legislature. Chapter 203, Human Resources Code, which is the chapter to which this section is being relocated, contains similar reporting requirements.

Section 43 includes the list of sections and subsections being repealed.

Comment:

- Section 58.001(b), Family Code, is repealed because it has caused confusion regarding its applicability. While it is correct that records belonging to DPS may be shared as provided by Subchapter B, law enforcement records may be shared only as provided by the appropriate sections in Subchapter A. The separate sections setting out how records may be shared are sufficient.
- Section 58.003, Family Code, relates to sealing. The laws related to sealing are now in Subchapter C, divided among multiple sections, with substantive changes. There is one aspect of current sealing laws that was not replicated in new Subchapter C that bears noting. Under current law, participation in certain specialty programs (drug court, trafficking court, sexting education program, etc.) can result in immediate sealing. This immediate sealing causes several issues. First, while local entities can maintain the names of individuals who have participated in these programs, the sealing means the information is not available to other counties through the juvenile case management system used, in part, to ensure juveniles are given access to programs based on their needs and history. This may result in juveniles being repeated in programs that, though they completed, were ultimately not sufficient to address their needs. Secondly, sealing results in the loss of data related to people who completed the programs, which poses an issue with regard to methods used to evaluate the successfulness of the education or specialty court programs, such as recidivism rates. Limiting the entities that have access to the records and allowing for sealing with or without application, depending on if criteria is met, provide additional safeguards to juveniles so that this type of sealing can be eliminated in order to

protect the integrity of the data in order to ensure accuracy in performance measures used to determine if these programs should continue.

- Section 58.006, Family Code, relates to destruction of records when there is no probable cause; this language is now located in Section 58.213, Family Code, with minimal change, as described in the commentary for Section 39, above.
- Sections 58.007(c), (d), (e), and (f), Family Code, relate to confidentiality and sharing of law-enforcement records; this language is now located in Section 58.008, Family Code, with minimal change, as described in the commentary for Section 11, above.
- Section 58.0071, Family Code, relates to permissible destruction of records; this language is now located in Section 58.214, Family Code, with some changes, as described in Section 40, above.
- Section 58.00711, Family Code, applies to criminal case records that exist in justice and municipal courts but not in juvenile courts as such records are not criminal but instead are conduct indicating a need for supervision and are confidential as provided by other portions of Chapter 58, Family Code.
- Section 58.106(a-1) is the law that currently allows the Texas Department of Public Safety to share records in the juvenile justice system that related to adjudicated misdemeanors or felonies and unadjudicated felonies to be shared with the same entities that may have access to adult criminal history record information. The repeal of this section is necessary to limit the disclosure of information in the juvenile justice information to only those entities listed in Section 58.106(a), thereby providing greater confidentiality related to the information in the juvenile justice information system in an effort to remove the taint of criminality, a statutorily stated purpose of the juvenile justice system.